

REMARKS

Claims 1-14 and 23 are pending in this application. No new matter has been added.

Reconsideration in view of the following remarks is respectfully requested.

**Claim Rejections**

The Office Action rejects, under 35 U.S.C. § 102, claims 1-9, 14 and 23 over U.S. Patent Application No. 2002/0136183 to Chen (CHEN).

The Office Action also rejects, under 35 U.S.C. § 103, claims 10 - 13 over CHEN in view of U.S. Patent Application No. 2002/0071477 to Orava (ORAVA).

These rejections are respectfully traversed.

Applicants assert that contrary to Examiners assertion that all elements of independent claim 1 are disclosed by CHEN, a method in a transmitter for data collision avoidance in an uncoordinated frequency hopping communication system is not. Further, the elements of transmitting one of the first data set and the second data set on the first frequency,

delaying transmission of an other of the first data set and the second data set, and

transmitting the other of the first data set and the second data set on a second frequency are similarly not disclosed. CHEN discloses a “coordinated” communication system that comprises a “coordination component” in the processing module 122. CHEN further discloses the A jamming signal to decrease data collisions. This is simply not the same as an uncoordinated frequency hopping system that determines when a collision will occur between two data sets, transmits one of the two data sets, delays the data set not transmitted, and then transmits the other data set not already transmitted.

Applicants assert that contrary to Examiners assertion that all elements of independent claim 14 are disclosed by CHEN, discarding the second data set is not.

Thus, CHEN, does not disclose, teach or suggest all of the elements as recited in independent claim 1 and similarly recited in independent claim 14 and 23.

Therefore, Applicants respectfully submit that independent claims 1, 14 and 23 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Respectfully submitted,

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Dated: 13 September 2007

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